

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this 26th day of October, 2007, by and between the Indiana Department of Administration ("IDOA") and the Indiana Department of Transportation ("INDOT").

WITNESSETH:

WHEREAS, Executive Order 05-11 encourages the IDOA to research efficient partnerships for completing Minority Business Enterprise ("MBE") and Women's Business Enterprise ("WBE") Certifications; and

WHEREAS, INDOT, through the State of Indiana's Unified Certification Program, is the sole entity in the state with the authority to certify Disadvantaged Business Enterprises (DBE) on behalf of the United States Department of Transportation; and

WHEREAS, with the exception of certain minor requirements, the qualifications for DBE certification prescribed in 49 CFR 26 are no less stringent than the qualifications for MBE and WBE certification prescribed in 25 IAC 5; and

WHEREAS, IDOA's acceptance of INDOT's DBE certification as evidence of MBE or WBE eligibility will increase the efficiency of IDOA's MBE/WBE certification process;

NOW, THEREFORE, the parties agree as follows:


1. Upon receipt of a written request by IDOA and consent from the DBE firm, INDOT will provide documented evidence of current DBE certification, including proof of ownership by a qualified minority or female and status as a United States citizen if such information is contained in the DBE certification file, for purposes of establishing MBE/ WBE eligibility in accordance with 25 IAC 5. The following provisions govern IDOA's acceptance of INDOT's DBE certification as evidence of MBE/WBE eligibility:
 - a. IDOA may certify any applicant firm as MBE and/or WBE firm if that firm: is a currently certified DBE, is at least 51% owned by a United States citizen who is a member of a qualified minority group or is female, is headquartered in Indiana, and has documented evidence of an INDOT site visit no older than three years.
 - b. Applicant firms that desire to use INDOT DBE certification as evidence of MBE/WBE eligibility must provide IDOA with written consent permitting INDOT to share all information in its DBE file, confidential or otherwise.
 - c. Upon IDOA's written request and receipt of the applicant consent form, INDOT will forward an "INDOT Verification of DBE Certification" form (attached as Appendix 1) to IDOA.

2. IDOA and INDOT will implement the following procedures to facilitate the MBE/WBE certification process.
 - a. IDOA will edit or supplement its MBE/WBE certification materials to allow an applicant firm to disclose whether it is currently certified in the State of Indiana as a DBE, and if so, instruct the applicant firm to complete a consent form authorizing INDOT to share the contents of its DBE certification file with IDOA for the purpose of determining MBE/WBE eligibility.
 - b. In processing MBE/WBE applications, IDOA will forward a request for confirmation of DBE certification status and a copy of a completed consent form to the DBE Certification Manager in the Economic Opportunity Division at INDOT. IDOA's request for confirmation and the applicant consent form may be sent in hard copy via inter-office mail or electronically as the parties agree.
 - c. INDOT will respond to IDOA's request for confirmation of DBE certification status within five (5) business days of receiving the request and applicant consent. Within that time period, INDOT will provide IDOA with a Verification of DBE Certification. If INDOT is unable to comply with the 5 day response time, INDOT will notify IDOA of the delay as soon as is practicable.
 - d. INDOT will verify U.S. citizenship and minority or female status of certified DBE owner(s) as part of the response when documentation is included as part of the certification file.
3. INDOT agrees to notify IDOA within a reasonable period of time after it makes a change to the certification status of a DBE firm that is also a MBE/WBE.
4. INDOT agrees to notify IDOA within a reasonable period of time should a DBE firm that is also a MBE/WBE be the subject of any third-party complaint investigation.
5. Should IDOA receive a third-party complaint, concerning a firm certified as DBE and MBE/WBE, IDOA agrees to forward the complaint to INDOT within a reasonable period of time. INDOT agrees to investigate any substantiated complaint as determined in its sole discretion, and notify IDOA of the results of the investigation.
6. IDOA retains its right to make all final determinations concerning the MBE/WBE eligibility of all applicant firms, regardless of DBE certification status.
7. No alteration, modification, or amendment to this MOU is permitted, except by written agreement signed by the parties.
8. This MOU will commence upon the effective date above and shall remain in full force and effect until June 30, 2009. This MOU may be renewed under the same terms and conditions subject to the approval of the Commissioner of the Department of Transportation, the Commissioner of the Department of Administration, and the Director

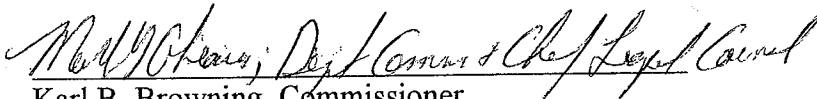
of the State Budget Agency. The term of the renewed MOU shall not extend beyond a given two year budget period as required by State Budget Agency Financial Management Circular No. 2007-6.

9. This MOU may be terminated by either party for any reason upon thirty (30) days written notice. Such notice shall be delivered by hand or by certified mail.

The parties hereby acknowledge the foregoing as the terms and conditions of their understanding.



Carrie Henderson, Commissioner
Indiana Department of Administration

10/25/07
Date

for 
Karl B. Browning, Commissioner
Indiana Department of Transportation

11/2/07
Date

Approved:

 FOR
Christopher A. Ruhl
Director, State Budget Agency

11/21/2007
Date